

March 9, 2016

Kent County  
Department of Planning Services  
Division of Planning  
555 Bay Road  
Dover, DE 19901

Attn: Kris Connelly

RE: PLUS review 2015-10-02; I.G. Burton – Auto Campus Expansion  
Comment Response  
DBF #608B001.A01

Michael R. Wigley, AIA, LEED AP  
Randy B. Duplechain, P.E.  
Charles R. Woodward, Jr., LS  
W. Zachary Crouch, P.E.  
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Jason P. Loar, P.E.  
Ring W. Lardner, P.E.  
Gerald G. Friedel, P.E.

Dear Mr. Connelly:

On behalf of the Developer, D.A. Burton, LLC, we are providing a written response to the P.L.U.S. comments received on October 28, 2015, and have received from the Office of State Planning dated November 30, 2015. The original comments are italicized and the response is in red.

#### **Strategies for State Policies and Spending**

- *This project is located in Investment Level 1 according to the Strategies for State Policies and Spending. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy.*

**The project is located in the Growth Zone and infrastructure is readily available to serve this project.**

#### **Code Requirements/Agency Permitting Requirements**

##### **Department of Transportation – Contact Bill Brockenbrough 760-2109**

- *Per Section 2.2.2.1 of the Development Coordination Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS*

*application, we see that the total daily trips are estimated at 2,708 vehicle trip ends per day including an adjustment for internal capture.*

- *DelDOT has been in discussions with the applicant's engineer on this subject for several months and on August 6, 2015, DelDOT provided a scope of work for the TIS.*
- *The site access point on Tub Mill Pond Road (Kent Road 119) must be designed in accordance with DelDOT's Development Coordination Manual which is available at <http://www.deldot.gov/information/business/subdivisions/changes/index.shtml>. Additionally, because the site would access Delaware Route 1 through the existing Mercedes and BMW dealership, the entrance to that dealership will need to be evaluated and possibly improved to properly handle the increase in traffic.*
- *As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Development Coordination Manual, DelDOT will require dedication of right-of-way along the site's frontage on Tub Mill Pond Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the road centerline. The following right-of-way dedication note is required, "An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."*
- *In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Tub Mill Pond Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "A 15-foot wide permanent easement is hereby established to the State of Delaware, as per this plat."*
- *Section 3.5.4.2 of the Manual contains DelDOT's requirements with regard to the provision of Shared Use Paths and Sidewalks. In accordance with that section, DelDOT will require a path or sidewalk across the property frontage on Tub Mill Pond Road.*

*We have read DelDOT's comments and the project is currently proceeding with the TIS process. The project will be designed and submitted in accordance with policies and procedures.*

**Department of Natural Resources and Environmental Control – Michael Tholstrup  
735-3352**

#### **TMDLs**

- *The project is located in the greater Delaware River and Bay drainage area, specifically within the Mispillion River watershed. In this watershed, the State of*

*Delaware has developed specific Total Maximum Daily Load (TMDL) pollutant reduction targets for nitrogen, phosphorus, and bacteria (under the auspices of Section 303(d) of the Clean Water Act). A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited waterbody” can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The TMDL for the Mispillion River watershed calls for a 57 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for an 87 percent reduction in bacteria from baseline conditions.*

- *A nutrient management plan is required under the Delaware Nutrient Management Law (3 Del. Chapter 22) for all persons or entities who apply nutrients to lands or areas of open space in excess of 10 acres. This project’s open space may exceed this 10-acre threshold. Please contact the Delaware Nutrient Management Program at (302) 739-4811 for further information concerning compliance requirements, or view the following weblink for additional information: <http://dda.delaware.gov/nutrients/index.shtml>*

*The project will be designed to meet the new Stormwater Regulations which through the use of runoff reduction reduces the amount of pollutants leaving the site. A nutrient management plan will be prepared if the developer or owner applies nutrients to open space in excess of 10 acres.*

### **Water Supply**

- *The information provided indicates that the City of Milford will provide water to the proposed project through a public water system. DNREC’s files reflect that the City of Milford does not currently hold a Certificate of Public Convenience and Necessity (CPCN) to provide public water in these areas. The applicant will need to file an application for a CPCN with the Public Service Commission, if they have not done so already. Information on CPCN requirements and applications can be obtained by contacting the Public Service Commission at (302) 736-7547. Should an on-site public/miscellaneous public well be needed, a minimum isolation distance of 150 feet is required between the well and any potential source of contamination, such as a septic tank and sewage disposal areas, and at least 150 feet from the outermost boundaries of the project. The DNREC Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to*

*constructing any wells.*

- *Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.*
- *All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising. Should you have any questions concerning these comments, please contact Rick Rios at (302) 739-9944.*

*Our office will work with the City of Milford on obtaining a CPCN to serve the property. We are aware of the well permit requirements if dewatering is required.*

#### **Sediment and Stormwater Management.**

- *A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a project application meeting to discuss the sediment and erosion control and stormwater management components of the plan as soon as practicable. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact Jessica Watson at the Sussex Conservation District at (302) 856-2105 for details regarding submittal requirements and fees.*

*Our office is aware of the detailed sediment and stormwater process and will coordinate with Kent Conservation District.*

#### **Air Quality.**

- *The applicant shall comply with all applicable Delaware air quality regulations. Please note that the following regulations in Table 1 – Potential Regulatory Requirements may apply to your project:*

<b>Table 1: Potential Regulatory Requirements</b>	
<b>Regulation</b>	<b>Requirements</b>
<b>7 DE Admin. Code 1106 - Particulate Emissions from Construction and Materials Handling</b>	<ul style="list-style-type: none"> <li>• Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads.</li> <li>• Use covers on trucks that transport material to and from site to prevent visible emissions.</li> </ul>
<b>7 DE Admin. Code 1113 – Open Burning</b>	<ul style="list-style-type: none"> <li>• Prohibit open burns statewide during the Ozone Season from May 1-Sept. 30 each year.</li> <li>• Prohibit the burning of land clearing debris.</li> <li>• Prohibit the burning of trash or building materials/debris.</li> </ul>
<b>7 DE Admin. Code 1135 – Conformity of General Federal Actions to the State Implementation Plan</b>	<ul style="list-style-type: none"> <li>• Require, for any “federal action,” a conformity determination for each pollutant where the total of direct and indirect emissions would equal or exceed any of the de minimus levels (See Section 3.2.1)</li> </ul>
<b>7 DE Admin. Code 1141 – Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products</b>	<ul style="list-style-type: none"> <li>• Use structural/ paint coatings that are low in Volatile Organic Compounds.</li> <li>• Use covers on paint containers when paint containers are not in use.</li> </ul>
<b>7 DE Admin. Code 1144 – Control of Stationary Generator Emissions</b>	<ul style="list-style-type: none"> <li>• Ensure that emissions of nitrogen oxides (NO<sub>x</sub>), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), and carbon dioxide (CO<sub>2</sub>) from emergency generators meet the emissions limits</li> </ul>

	<p><i>established. (See section 3.2).</i></p> <ul style="list-style-type: none"> <li>• <i>Maintain recordkeeping and reporting requirements.</i></li> </ul>
<p><b>7 DE Admin. Code 1145 – Excessive Idling of Heavy Duty Vehicles</b></p>	<ul style="list-style-type: none"> <li>• <i>Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.</i></li> </ul>
<p><b>7 DE Admin. Code 1121 Section 10 – Emission Standards for Hazardous Air Pollutants, Asbestos</b></p>	<ul style="list-style-type: none"> <li>• <i>Ensure no visible residue of asbestos materials remains in the work area after all asbestos materials are removed in accordance with NESHAP.</i></li> <li>• <i>Display DANGER signs whenever airborne asbestos may be present in accordance with NESHAP and OSHA</i></li> <li>• <i>Use wet removal techniques.</i></li> <li>• <i>Dispose of all asbestos containing waste in clearly labeled sealed containers and store in a secure location awaiting transport to an authorized disposal facility, not to exceed a period of 45 days.</i></li> </ul>

For a complete listing of all Delaware applicable regulations, please look at our website: <http://www.awm.delaware.gov/AQM/Pages/AirRegulations.aspx>.

We thank the section for the above information.

### Instructions for Handling Asbestos

- *Please select a Certified Professional Service Firm (CPSF) from the State of Delaware’s list to inspect the facility and sample for Asbestos-Containing Materials (ACM). This list may be obtained through the Division of Facilities Management by contacting Donna Sapp at [donna.sapp@state.de.us](mailto:donna.sapp@state.de.us) or (302) 739-5644. Once you receive the CPSF report detailing their findings as to how much, what type(s), and the location(s) of the ACM present, you can use that info to fill out the “Notification of Demolition or Renovation” form. If necessary, please*

*select an asbestos abatement contractor from the list, and call to schedule the work to begin three weeks (or more) from the date you mail the form to EPA. When you choose an abatement contractor, please enter the remainder of the required info on the form, to include the name of the Abatement Contractor, name of the Hazmat Hauler who will haul the ACM, and the Hazmat landfill where the ACM will be taken. Once you have completed the form, please make four (4) copies of it, and then send the ORIGINAL to USEPA at the following address:*

*USEPA Region III  
Attn: Asbestos Coordinator  
1650 Arch Street  
Philadelphia, PA 19103*

*Send one copy to the DAQ:*

*DNREC/DAQ  
c/o Mr. Thomas Postell  
655 S. Bay Rd., Suite 5N  
Dover, DE 19901*

- You must wait a minimum of ten business days after EPA receives your notification, prior to any activity which may disturb asbestos-containing materials (reasoning behind waiting three weeks to begin abatement work). This allows the EPA asbestos inspectors time to coordinate and schedule a site visit if they so desire.*

*Once the ACM has been abated, a post-abatement inspection by a CPSF asbestos inspector shall be performed to verify that all ACM has been removed.*

*Following asbestos removal and re-inspection, normal demolition procedures may be employed to complete the demolition process.*

*Please keep in mind that physical demolition and loading, transport, and landfill dumping of construction/demolition debris can be quite costly. Another option for more affordable demolition does exist. If the local fire company is interested in using the structure(s) for firefighter training, they are authorized to burn it/them to the ground upon completion of their training. This significantly reduces the volume and mass of material remaining to be loaded, transported, and dumped; thereby reducing demolition costs by a good margin. Keep in mind that this type of demolition via firefighting instruction is limited to those months not encompassed by Delaware's Ozone Season Burn Ban.*

We thank the section for the information and will share with the owner / developer prior to demolishing the existing buildings.

### **Tank Management**

- *If a release of a Regulated Substance occurs at the proposed project site, compliance of 7 Del.C., Chapter 60; 7 Del.C., Chapter 74; and DE Admin. Code 1351, State of Delaware Regulations Governing Underground Storage Tank Systems (the UST Regulations) is required.*
- *The following confirmed leaking underground storage tank (LUST) project is located within a quarter mile from the proposed project area:*
  - *Shore Stop #237, Facility: 1-000218, Project: K10002015 (Inactive)*
  - *Shore Stop #237, Facility: 1-000218, Project: K9602035 (Inactive)*
  - *Milford Toyota, Facility: 1-000006, Project: K9608149 (Inactive)*
- *No environmental impacts are anticipated; however, per the UST Regulations: Part E, § 1. Reporting Requirements:*
- *Any indication of a Release of a Regulated Substance that is discovered by any Person, including but not limited to environmental consultants, contractors, utility companies, financial institutions, real estate transfer companies, UST Owners or Operators, or Responsible Parties shall be reported within 24 hours to:*
  - *The Department's 24-hour Release Hot Line by calling (800) 662-8802; and*
  - *The DNREC Tank Management Section by calling (302) 395-2500.*

We thank the section for the information above.

### **Delaware State Fire Marshall's Office – Contact Duane Fox 739-4394**

*At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):*

### **Fire Protection Water Requirements:**

- *Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at*  
*20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.*
- *Where a water distribution system is proposed for Storage, Industrial, and Mercantile sites, the infrastructure for fire protection water shall be provided,*

*including the size of water mains for fire hydrants and sprinkler systems.*

**Fire Protection Features:**

- *All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.*
- *Buildings greater than 10,000 Sq.Ft. and those classified as High Hazard, are required to meet fire lane marking requirements. Show Fire Lanes and Sign Detail as shown in DSFPR*
- *Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.*

**Accessibility**

- *All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.*
- *Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.*
- *The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.*
- *The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.*

**Gas Piping and System Information:**

- *Provide type of fuel proposed, and show locations of bulk containers on plan.*

**Outdoor Tire Storage and Outdoor Tire Disposal Sites:**

- *If the site will be storing more than 100 tires outdoors or serving for the outdoor disposal of tires regardless of number of units, adhere to the criteria outlined in the Delaware State Fire Prevention Regulation 706, Chapter 5. <http://regulations.delaware.gov/AdminCode/title1/700/706.shtml>*

**Required Notes:**

- *Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”*
- *Proposed Use*
- *Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units*
- *Square footage of each structure (Total of all Floors)*
- *National Fire Protection Association (NFPA) Construction Type*
- *Maximum Height of Buildings (including number of stories)*
- *Note indicating building is to be sprinklered*
- *Name of Water Provider*
- *Letter from Water Provider approving the system layout*
- *Provide Lock Box Note (as detailed in DSFPR)*
- *Provide Road Names, even for County Roads*

**We have read all of the State Fire Marshal comments and will implement them into the design of the site and building.**

**State Historic Preservation Office – Contact Terrence Burns 736-7404**

- *There is a 20th century house (K-4809) on this parcel, and adjacent to the parcel, across Tub Mill Pond Road, there is a church and cemetery (K-4808), east of Tub Mill Branch. If any development or construction project proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law, which is in, Chapter 54, of Title 7, of the Delaware Code.*

*Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, and sometimes near or within the boundary of an historic farm site. Even a marked cemetery can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the Delaware’s Unmarked Human Burials and Human Skeletal Remains Law (7 Del. C. Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any*

*unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to know more information pertaining to unmarked human remains or cemeteries, please check the following websites for additional information: [www.history.delaware.gov/preservation/umhr.shtml](http://www.history.delaware.gov/preservation/umhr.shtml) and [www.history.delaware.gov/preservation/cemeteries.shtml](http://www.history.delaware.gov/preservation/cemeteries.shtml).*

*Prior to any demolition or ground-disturbing activities, the developer might want an archaeological consultant, to examine the parcel for archaeological resources, including a cemetery or unmarked human remains. The developer should also include sufficient landscaping or barrier, to block noise or visual effects, between the development and house (K-4809).*

- *If there is federal involvement with the project, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role, please review the Advisory Council's website at [www.achp.gov](http://www.achp.gov).*

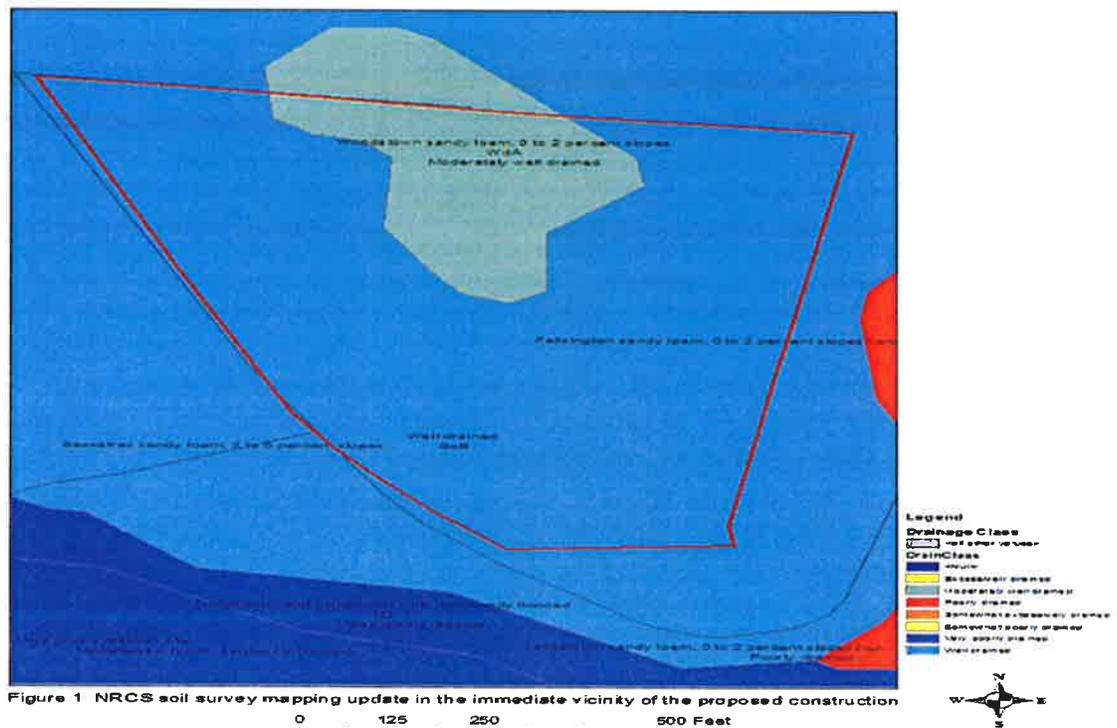
**We have read the comments above and thank them for the information.**

## Recommendations/Additional Information

### Department of Natural Resources and Environmental Control – Michael Tholstrup 735-3352

#### Soils Assessment

- *Based on NRCS soil survey mapping update, the soil mapping units mapped in the immediate vicinity of the proposed project are moderately well drained to well drained with moderate to few limitations for development (Figure 1).*



We thank the State for the information regarding the soils on the site.

#### State-Rare Species

- *Four state-rare plant species and two state-rare fish species have been documented in Tubmill Pond. Tubmill Pond is state-owned and managed by the DNREC Division of Fish and Wildlife. This pond already has a history of water quality issues requiring annual expenditures to control excess weeds and algae (a symptom of excess nutrients). The potential for the pond to receive inputs of nutrients and/or pollutants from run-off generated by this project is of concern, especially given the large amount of proposed impervious surface. Stringent*

*efforts should be made at this project site to protect downstream water quality. Reducing the size of lots, utilizing pervious pavement materials, and incorporating buffers could help reduce impacts to the pond.*

**This project is required to comply with the sediment and stormwater regulations that includes use of green technology for runoff reduction.**

### **TMDL compliance through the PCS**

- *In response to concerns about the need for reducing nonpoint source nutrient (nitrogen and phosphorus) and bacterial pollutants to levels sufficient to meet the prescribed TMDL reduction requirements in the Mispillion watershed, a multifaceted and comprehensive process known as a Pollution Control Strategy (PCS) has been developed to enable such reductions. Specifically, a PCS is a combination of best management practices and control technologies that reduce nutrient and bacterial pollutant runoff loading in waters of a given watershed to level(s) consistent with the TMDL(s) reduction levels specified for that watershed. The PCS for the Mispillion River watershed consists of recommendations from the following three areas: agriculture, stormwater, and wastewater. A Pollution Control Strategy (PCS) to achieve the required TMDL nutrient and bacterial load reduction requirements has been established for the Mispillion watershed. Additional information about Mispillion River PCS is available from the follow web link:*

*<http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedManagementPlans.aspx>*

- *In further support of the PCS, the applicant is also strongly urged to reduce nutrient and bacterial pollutants through voluntary commitment to the implementation of the following recommended BMPs, which would:*
  - *Preserve and/or maintain as much of the existing open space as possible; we further suggest additional native tree, shrub and/or native herbaceous vegetation plantings, wherever possible.*
  - *Calculate post-construction surface imperviousness with all forms of created (or constructed) surface imperviousness (e.g., rooftops, driveways, parking lots, sidewalks, open-water storm water management structures, ponds, and roads) included in the calculation. Omission of any of the above-stated forms of surface imperviousness will result in an underestimate of the actual post-development surface imperviousness and the associated environmental impacts.*

- *Employ green-technology storm water management and rain gardens (in lieu of open-water management structures) as BMPs to mitigate or reduce nutrient and bacterial pollutant runoff. Please contact Lara Allison at (302) 739-9939 for further information about the possibility for installing rain gardens on this parcel.*
- *Use pervious paving materials instead of conventional paving materials (e.g., asphalt or concrete) to help reduce the amount of water and pollutant runoff draining to adjoining streams and wetlands. Pervious pavers are especially recommended for areas designated for parking.*
- *Assess nutrient and bacterial pollutant loading at the preliminary project design phase. To this end, the Watershed Assessment Section has developed a methodology known as the "Nutrient Load Assessment protocol." The protocol is a tool used to assess changes in nutrient loading (e.g., nitrogen and phosphorus) resulting from the conversion of individual or combined land parcels to a changed land use; thus providing applicants and governmental entities with quantitative information about the project's impact(s) on baseline water quality. We strongly encourage the applicant/developer use this protocol to help them design and implement the most effective BMPs. Please contact John Martin or Jen Walls in the DNREC Division of Watershed Stewardship at (302) 739-9939 for more information on the protocol.*

**This project is required to comply with the sediment and stormwater regulations that include use of green technology for runoff reduction.**

**Additional information on hazardous waste sites**

- *DNREC strongly recommends that the land owner perform environmental due diligence of the property by performing a Phase I Environmental Site Assessment (including a title search to identify environmental covenants) in accordance to Section 9105(c) (2) of the Delaware Hazardous Substance Cleanup Act (HSCA). While this is not a requirement under HSCA, it is good business practice and failure to do so will prevent a person from being able to qualify for a potential affirmative defense under Section 9105(c) (2) of HSCA.*

*Additional remediation may be required if the project property or site is re-zoned by the county.*

*Should a release or imminent threat of a release of hazardous substances be discovered during the course of development (e.g., contaminated water or soil),*

*construction activities should be discontinued immediately and DNREC should be notified at the 24-hour emergency number (800) 662-8802. SIRS should also be contacted as soon as possible at (302) 395-2600 for further instructions.*

*This property has been owned by the Burton family for many years and is aware of the historical use of the property.*

#### **Additional information on air quality**

- *The existing property has neither sidewalk nor shoulders along Tub Mill Pond Road. However, the applicant indicates that neither sidewalks nor bike paths will be added as part of this project. There is an opportunity to connect the project to a transit network via an existing DART bus stop located within walking distance of the property on US 1, but shoulders and sidewalks leading to the stop are minimal. This stop is served by bus route 303, which connects Georgetown, Milford, and Dover.*
  
- *DNREC encourages developers and builders to consider all sustainable growth practices in their design, and we believe that the air quality impacts associated with the project should be completely considered. New businesses may emit, or cause to be emitted, additional air contaminants into Delaware's air, which will negatively impact public health, safety and welfare. These negative impacts are attributable to:*
  - *Emissions that form ozone and fine particulate matter; Delaware currently violates*
    - Federal health-based air quality standards for ozone.*
  - *The emission of greenhouse gases which are associated with climate change, and*
  - *The emission of air toxics.*
  
- *Air emissions generated from new businesses include emissions from the following activities:*
  - *Area sources such as painting, maintenance equipment and the use of consumer products like roof coatings and roof primers.*
  - *The generation of electricity, and*

- *All transportation activity.*
- *Based on the information provided, the three air emissions components (i.e., area, electric power generation, and mobile sources) for the project could not be quantified. DAQ was able, however, to quantify the mobile emissions based on the proposed daily trip data presented in the application and data taken from the ITE Trip Generation Manual, 8<sup>th</sup> Edition. Table 2 represents the actual impact the I. G. Burton project may have on air quality.*

<b>Table 2: Projected Air Quality Emissions for I G Burton Auto Campus Expansion</b>					
<i>Emissions Attributable to I G Burton Auto Campus Expansion (Tons per Year)</i>	<i>Volatile Organic Compounds (VOC)</i>	<i>Nitrogen Oxides (NOx)</i>	<i>Sulfur Dioxide (SO<sub>2</sub>)</i>	<i>Fine Particulate Matter (PM<sub>2.5</sub>)</i>	<i>Carbon Dioxide (CO<sub>2</sub>)</i>
<i>Mobile</i>	8.99	11.86	*	*	*

*(\*) Indicates data is not available.*

*Note that emissions associated with the actual construction of the auto campus expansion, including automobile and truck traffic from working in, or delivering products to the site, as well as site preparation, earth moving activities, road paving and other miscellaneous air emissions, are not reflected in the table above.*

- *DNREC encourages sustainable growth practices that:*
  - *Control sprawl;*
  - *Preserve rural and forested areas;*
  - *Identify conflicting land use priorities;*
  - *Encourage growth on previously developed sites and denser communities while at the same time protect our diminishing land base;*
  - *Coordinate transportation, environment, and climate protection plans with land use plans; and*

- *Demonstrate that communities can achieve the qualities of privacy, community, and contact with nature without degrading the natural environment or generating unacceptable environmental costs in terms of congestion, use of natural resources, or pollution.*
- *Additional measures may be taken to substantially reduce the air emissions identified*

*above. These measures include:*

- *Constructing with only energy efficient products. Energy Star qualified products are up to 30% more energy efficient. Savings come from building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight duct systems and upgraded water-heating equipment. Every percentage of energy efficiency translates into a percent reduction in pollution. The Energy Star Program is an excellent way to save on energy costs and reduce air pollution.*
- *Offering geothermal and/or photo voltaic energy options. These systems can significantly reduce emissions from electrical generation and from the use of oil or gas heating equipment.*
- *Constructing with high albedo, high solar reflectance materials. This includes roofing and hardscape. These materials help to reduce heat island impacts and, by extension, help to minimize the potential for localized ground-level ozone formation. These materials also help reduce demands on air conditioning systems and save on energy costs.*
- *Providing shade for parking lot areas. Approaches may include architectural devices, vegetation, or solar panels. Providing shade for parking areas helps to reduce heat island impacts, and, by extension, helps to minimize the potential for localized ground-level ozone formation. Such measures can also have the additional benefit of channeling or infiltrating stormwater.*
- *Providing charging stations for plug-in electric vehicles. This measure helps to reduce localized air pollution by supporting the use of non-gasoline powered vehicles. Please refer to the US Department of Energy's*

website for electric vehicle readiness information:  
[http://www1.eere.energy.gov/cleancities/electric\\_vehicle\\_projects.html](http://www1.eere.energy.gov/cleancities/electric_vehicle_projects.html)

- *Encouraging the use of safe multimodal transportation. This measure can significantly reduce mobile source emissions. For every vehicle trip that is replaced by the use of a sidewalk, bike path, or mass transit, 7 pounds of VOC and 11.5 pounds of NOx are reduced each year. There is an opportunity to connect the project to a transit network via an existing DART bus stop located within walking distance of the property on US 1.*
- *Using retrofitted diesel engines during construction. This includes equipment that is on-site as well as equipment used to transport materials to and from site.*
- *Using pre-painted/pre-coated flooring, cabinets, fencing, etc. These measures can significantly reduce the emission of VOCs from typical architectural coating operations.*
- *Planting trees in vegetative buffer areas. Trees reduce emissions by trapping dust particles and replenishing oxygen. Trees also reduce energy emissions by cooling during the summer and by providing wind breaks in the winter, whereby reducing air conditioning needs by up to 30 percent and saving 20 to 50 percent on fuel costs.*

*This is a partial list, and there are additional things that can be done to reduce the impact of the development. The applicant should submit a plan to the DNREC DAQ which address the above listed measures, and that details all of the specific emission mitigation measures that will be incorporated into the I G Burton Auto Campus Expansion project. The DAQ point of contact is Deanna Morozowich, and she may be reached at (302) 739-9402 or [Deanna.Morozowich@state.de.us](mailto:Deanna.Morozowich@state.de.us).*

**We thank the Section for the additional information regarding air quality.**

**Delaware State Fire Marshall's Office – Contact Duane Fox 739-4394**

*Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.*

Mr. Kris Connelly  
Kent County Planning  
March 9, 2016  
Page 19

Our office will set up a pre-submittal meeting with the Fire Marshal's office prior to submitting a site plan for review.

On behalf of the Developer we thank the Office of State Planning and other State Departments for their comments. Please contact me at (302) 424-1441 if you have any questions or need additional information.

Sincerely,  
Davis, Bowen & Friedel, Inc.



Ring W. Lardner, P.E.  
Principal

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Cc: Constance C. Holland, AICP, Office of State Planning  
Pete Renzi, Acorn Holdings, LLC